

1 Timothy R. Mulliner (SBN 10692)
2 **DUANE MORRIS LLP**
3 100 N. City Parkway, Suite 1560
4 Las Vegas, NV 89106
5 Telephone: 702.868.2600
6 Facsimile: 702.385.6862
7 Email: trmulliner@duanemorris.com

8 *Attorneys for defendant Diet Center, LLC*

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HEATHER MALDONADO, an individual

Plaintiff,

v.

DIET CENTER, LLC, a Nevada limited liability company, and DOES I through X, inclusive, and ROE CORPORATIONS I through X, inclusive,

Defendants.

Case No. 2:15-cv-00733-JAD-NJK

**STIPULATION AND ORDER FOR
VOLUNTARY DISMISSAL OF
PLAINTIFF'S THIRD CLAIM FOR
RELIEF**

ORDER

Plaintiff Heather Maldonado ("Maldonado") and defendant Diet Center, LLC ("Diet Center" and, together with Maldonado, the "Parties"), through their respective counsel, hereby stipulate and agree as follows:

1. Maldonado's Complaint was filed on April 21, 2015 [Doc. 1] and served upon Diet Center, along with a summons, on April 28, 2015 [Doc. 6];
2. Diet Center's deadline to respond to the Complaint was extended to June 16, 2015 by way of two prior orders [Doc. 10 and 12] on the Parties' stipulations;
3. The Parties hoped to settle the case prior to the extended response deadline, but settlement discussions have stalled;
4. Diet Center has stipulated to answer, rather than to seek dismissal of, Maldonado's First and Second Claims for Relief, comprised of paragraphs 26 through 35 of the Complaint.

5. Maldonado has agreed to dismiss without prejudice, rather than require any response to, her Third Claim for Relief, comprised of paragraphs 36 through 41 of the Complaint (the "Third Claim").

6. The Parties therefore stipulate to the voluntary dismissal of Maldonado's Third Claim, titled "Negligent Hiring, Supervision and Retention", without prejudice.

7. Diet Center shall not be required to respond to the allegation of the Third Claim, but shall be required to file an answer as to all other allegations of the Complaint.

IT IS SO STIPULATED this 16th day of June, 2015.

DUANE MORRIS LLP

RYAN ALEXANDER, CHTD.

By: /s/ Timothy R. Mulliner
Timothy R. Mulliner (SBN 10692)
100 N. City Parkway, Suite 1560
Las Vegas, NV 89106
Telephone: 702.868.2600
Facsimile: 702.385.6862

By: /s/ Ryan Alexander
Ryan Alexander (SBN 10845)
3017 W. Charleston Blvd. Ste. 58
Las Vegas, NV 89102
Telephone: 702.868.3311
Facsimile: 702.822.1133

Attorneys for defendant Diet Center, LLC

Attorneys for plaintiff Heather Maldonado

ORDER

It is so ORDERED this 18th day of June, 2015.


UNITED STATES DISTRICT JUDGE